

EXHIBIT A

PROCEEDINGS

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1 THE CLERK: Calling number five, 72165 of '21,
2 Hector Mendoza.

3 MR. RICCO: Good morning, your Honor.
4 Anthony Ricco for Mr. Hector Mendoza. I am joined this
5 morning, your Honor, by my associate, Mr. Steven Legon, who
6 is on the screen. Your Honor, Mr. Mendoza is present. He
7 is in Los Angeles and he is appearing virtually, and the
8 individuals you see in the background, your Honor, are
9 students in my trial advocacy class at Fordham and they will
10 be listening in quietly during this morning's court
11 proceedings. Thank you, your Honor.

12 THE COURT: We are happy to have them.

13 MS. FITTON: Good morning, your Honor.
14 Assistant District Attorney Lauren Fitton, F-I-T-T-O-N,
15 for the People.

16 THE COURT: Good morning.

17 MS. FITTON: Your Honor, if I could make a brief
18 record?

19 THE COURT: Yes.

20 MS. FITTON: Your Honor, post indictment, defense
21 counsel turned over to the People an audiotape recording
22 where the complainant stated that she would use her power
23 against the Defendant to have him charged with rape. The
24 DA's office spoke to the complainant about the recording and
25 the complainant provided an explanation. However, the

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1 complainant made other statements about the recording to the
2 Los Angeles police as she did not make to the DA's office.

3 Additionally, when the complainant was asked about
4 any substance abuse theory based on allegations brought by
5 the defense, the complainant denied any. Yet, medical
6 records showed otherwise.

7 Based on these disclosures, our investigation and
8 our ethical obligation, the People no longer have a viable
9 case. So, at this time, we are moving for dismissal of the
10 indictment.

11 THE COURT: Any objection?

12 MR. RICCO: No, sir.

13 THE COURT: The indictment is dismissed and sealed.

14 MR. RICCO: Your Honor, thank you very much for
15 your patience with this case, and I also want to thank the
16 Kings County District Attorneys office for responding to the
17 information that we provided and conducting an independent
18 investigation into this very serious matter. So, thank you
19 very much, your Honor.

20 THE COURT: Okay, thank you. Good luck.

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22 The foregoing is certified to be a true and
23 accurate transcript of the proceedings.

24 Debra Ferraro
25 DEBRA FERRARO
SENIOR COURT REPORTER